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COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 44th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 16 April 1996, at 6 p.m.

Chairman: Mr. LEGAULT (Canada)
(Vice-Chairman)

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

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Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.96-12592 (E)

In the absence of Mr. Vergne Saboia (Brazil), Mr. Legault (Canada), Vice-Chairman, took the Chair.

The meeting was called to order at 6 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 10) (continued) (E/CN.4/1996/3, 4 and Corr.1 and Add.1 and 2, 6, 7, 9, 12, 16 and Add.1, 54, 55, 56, 57, 59, 60, 61, 62, 63, 64, 65, 66 and Corr.1 and 2, 67 and Add.1, 68, 69, 107, 111, 114, 115, 119, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 133, 135, 139, 145, 146, 149, 150 and 154; E/CN.4/1996/NGO/9, 10, 12, 16, 17, 18, 21, 29, 30, 36, 44, 52, 54, 57, 58, 62, 67, 68, 69, 80 and 87; A/50/471, 567, 568, 569, 663, 734 and 767; A/50/894-S/1996/203)

1. Mr. CUNNIAH (International Confederation of Free Trade Unions) said that his organization's Annual Survey of Violations of Trade Union Rights, to be published shortly, listed some 95 countries where basic workers' rights to form and join trade unions of their own choosing and to bargain collectively were undermined. The International Labour Organization (ILO), responding to the growing number of complaints to its Committee on Freedom of Association, had launched a campaign for the universal ratification of core ILO conventions. In addition, world leaders meeting at the World Summit for Social Development in 1995 had committed themselves to promoting respect for those conventions but had taken little practical action to date.

2. In Latin America, and especially in Colombia, Guatemala, Paraguay and El Salvador, kidnappings, assassinations and harassment of trade unionists were still widespread. Gross abuses of trade union rights in Africa continued unabated. In particular, the Commission should not fail to condemn Nigeria for its gross violations of such rights. Other major offenders in Africa were Swaziland, Ethiopia, the Sudan, Morocco, Equatorial Guinea, Djibouti and Chad. In Asia, trade union rights in China, Myanmar, Pakistan and the Islamic Republic of Iran continued to deteriorate.

3. His organization hoped that the Commission would take strong action against all States that flouted workers' rights.

4. Ms. BANO (World Muslim Congress) said that India had embarked on a systematic campaign of misinformation to deceive the world community about its barbaric crimes against humanity in Kashmir. Its occupation forces were everywhere and nobody was safe. Gang rape was used as a form of collective punishment of women and girls to prevent them from supporting the freedom fighters. India seemed bent on filling the graveyards with Kashmir's younger generation.

5. The people of Kashmir had no power, no voice and no representation. The world viewed their cause as a bilateral dispute between India and Pakistan. Kashmiri youth had taken up arms when all other methods of resistance failed

to secure their right to self-determination. She appealed to the Commission to rise above political considerations and come to the aid of Kashmir's terrorized population by taking appropriate steps to end the gross violations of their human rights.

6. Mr. HEPPNER (International Work Group for Indigenous Affairs) said that the ruling military junta in Myanmar, the State Law and Order Restoration Council (SLORC), claimed to be promoting peace and economic stability whereas its abuses were actually destroying the country's economic, social and cultural fabric. It claimed to be improving the human rights situation by negotiating cease-fires with ethnic opposition groups but widespread abuses had continued after the cease-fires. New forced labour projects were constantly being launched and villagers who failed to obey orders for forced labour were subject to arrest, torture, rape or summary execution by the army. Families had to sell their livestock and valuables to pay extortion money and land was seized and the crops sold or exported for military profit. There was a shortage of rice throughout the country but SLORC had increased rice exports fourfold during the current year. The villages where 85 per cent of Myanmar's people lived were being stripped to finance a façade of economic development in the cities.

7. His organization urged the Commission to act on the recommendations contained in the report of the Special Rapporteur on Myanmar (E/CN.4/1996/65), particularly the recommendation for a team of human rights field officers to assist him in his mandate.

8. Mr. BAKER (International Islamic Federation of Student Organizations), an American Christian, described his experiences during a visit to Kashmir in August and September 1992, where he had personally witnessed beatings, shootings and assorted violations of human decency. A cardiovascular surgeon whom he had interviewed, Dr. Abdul Ahad Guru, had spoken out openly about the atrocities perpetrated by the Indian occupation forces and had been assassinated in April 1993. Dr. Guru had described the shortage of basic drugs in hospitals due to the embargo on pharmaceuticals and had denounced curfews that prevented emergency cases from being hospitalized.

9. Mr. Baker had filmed numerous civilian victims of the Indian occupation forces, in particular an ambulance driver who had been beaten up and shot and a 10-year-old girl whose face had been disfigured by a bullet. He had also interviewed women who had been raped and tortured by Indian soldiers.

10. The Kashmiri people were being denied the right to education; most schools were closed and male students feared arrest if they attended university to sit their examinations.

11. He therefore urged the Commission to take the strongest action as speedily as possible in order to halt, even temporarily, the atrocities occurring in Kashmir.

12. Ms. INAYATULLAH (All Pakistan Women's Association) said that she was speaking in place of Jalil Andrabi, Chairman of the Kashmir Commission of Jurists and a crusader for human rights, who had recently been murdered in Kashmir.

13. After six years of mass destruction and genocide, the alienation of the people of Kashmir from India was complete, but unfortunately that truth was lost on the Indian authorities. In 1995 India had vandalized the Charar-i-Sharif mosque and shrine, the key symbol of Kashmiri cultural identity, and in 1996 had launched a new comprehensive military crackdown. Its reign of terror had cost some 40,000 Kashmiris their lives over the years and was a major deterrent to regional security. The cease-fire line was regularly violated.

14. She called on the Commission to undertake impartial and exhaustive investigations into cases of rape and other forms of torture of women by the Indian security forces and to use its good offices, through the High Commissioner for Human Rights, to urge India to end State terrorism and to suspend the farcical elections scheduled for the following month. In addition, it should call on the United Nations to establish a war crimes tribunal on Kashmir and should appoint a rapporteur to investigate the situation.

15. Mr. SALDAMANDO (International Indian Treaty Council) noted that Turkey's role in the genocidal suppression of the Kurdish people had yet to be fully examined by the Commission. He also noted that resistance by the indigenous peoples of Bougainville to mining activities had been suppressed by the military, that a military blockade had been imposed on humanitarian supplies, and that massacres and other forms of physical violence had occurred. Similarly, in Guatemala, Brazil, and Peru there were countless cases of abductions, enslavement, evictions and massacres which targeted indigenous groups. Throughout Canada, moreover, indigenous peoples were threatened with displacement and destruction of their lands and means of subsistence as a result of exploitation by transnational corporations.

16. He therefore urged the Commission to take action to help protect the rights of indigenous populations.

17. Mr. EL KHAZEN (Observer for Lebanon) said that the human rights situation in southern Lebanon and the western Bekaa was deteriorating day by day under Israeli occupation and aggression. Israel persisted in refusing to implement Security Council resolution 425 (1978), which called for its immediate withdrawal from all Lebanese territory, and was violating the fourth Geneva Convention of 1949 by using heavy artillery, aircraft, helicopters and fragmentation bombs to bombard towns and villages inhabited by unarmed civilians. It was currently engaged in a major offensive against over 50 towns and villages in southern Lebanon and the western Bekaa and the suburbs of Beirut. In addition to the numerous civilian casualties, mostly women and children, incalculable material damage had been inflicted and over half a million people had fled to Beirut. The so-called terrorist operations that had served as a pretext for the bombardment had been legitimate attacks by the Lebanese resistance movement on Israeli military targets and would continue until the occupying forces withdrew.

18. The Israeli army and its proxy militia also persistently violated the 1949 Geneva Convention Relative to the Treatment of Prisoners of War through their treatment of the 200 prisoners held since 1985 in the Marjayoun and Khiam detention centres, where conditions were deplorable and irrefutable

evidence of torture had been obtained from released detainees. The provisions of the Convention regarding family contacts were also flouted. A number of Lebanese nationals abducted by the Israeli forces during the 1982 invasion were held in Israeli prisons and nothing was known of their circumstances.

19. Lastly, the Israeli naval blockade off the southern Lebanese coast had deprived local fishermen of their livelihood for more than a year.

20. He urged the Commission to put pressure on Israel to comply with international humanitarian law as contained in the Geneva Conventions and Protocols and to respect the International Bill of Human Rights.

21. Mr. KAVSADZE (Observer for Georgia) said that part of Georgia, Abkhazia, was occupied by separatist forces and foreign mercenaries, and the demographic composition of the population had been altered by the expulsion of virtually all Georgian inhabitants from the territory. The existence of a policy of ethnic cleansing had been confirmed in the Final Document of the 1994 Budapest Summit of the Conference on Security and Cooperation in Europe and had been the subject of Security Council resolution 1036 (1996), which called for the return of the refugees but had been ignored by the separatists. Cruelty, mass killings and the burning of homes persisted in Abkhazia despite the cease-fire and the presence of peace-keeping forces of the Commonwealth of Independent States (CIS) and United Nations observers. As Chairman of the Georgian State Committee on Human Rights and Ethnic Relations, he called for support for the cause of human rights in Abkhazia and, in particular, for prosecution of the perpetrators of ethnic cleansing and genocide.

22. Mr. CHANES de ARMAS (International Association of Educators for World Peace) said he was a Cuban who had founded the 26th of July Revolutionary Movement, and a rebel army which had waged a guerrilla war against the dictatorship of Fulgencio Batista. He had served a harsh 30-year prison term for opposing the transition of the Cuban revolution to communism and the rejection of democracy and freedom.

23. He described the various violations that affected the exercise of freedom, development and peace in Cuba and said that its people had suffered repression, persecution, deprivation of freedom and ill-treatment of every description. Moreover, for more than 35 years, large numbers of political prisoners had been kept in horrendous conditions. He also referred to two incidents involving the destruction of a tugboat and two aircraft that had occurred in the first quarter of 1996 in which defenceless civilians, including children, had been killed.

24. He therefore appealed to the Commission to help the people of Cuba in their struggle to achieve freedom and recognition of their rights.

25. Mr. GUPTA (International Institute for Peace) said that Pakistan was guilty of promoting State terrorism, and noted that the human rights situation in that country remained of great concern in spite of nearly eight years of democracy. The continued repression of certain ethnic groups, victimization of political opponents, and arbitrary action by law enforcement officials had

all been confirmed by international bodies. Human rights activists protesting against State terrorism had increasingly become the targets of attacks and intimidation.

26. He therefore urged the United Nations and the Commission on Human Rights to address the serious violations of human rights in Pakistan and to promote tolerance in that country.

27. Mr. SHIMOJI (World Peace Council) described the historical context in which the United States had established military bases in Okinawa and noted that, despite the opposition of local landowners, the Government of Japan had recently attempted to force the Governor of Okinawa to avenge the renewal of leases for the United States army. His Council therefore urged the Commission and the international community to impress on the Japanese authorities the need to accede to the demands of the people of Okinawa.

28. Referring to the highly volatile situation in Jammu and Kashmir, he appealed to the international community to help restore the democratic process and ensure the enjoyment of human rights in that region.

29. Mr. VITTORI (Pax Christi International) noted that very little progress had been made in southern Lebanon during the previous year and lamented the acts of terrorism which had led to the exodus of more than 400,000 persons only days earlier. Equally alarming were reports of religious intolerance in Iran, acts of terrorism masterminded by that country and Pakistan's interference in Afghanistan. He drew attention to the various human rights violations and crimes against humanity being experienced by the peoples of the Sudan, the former Yugoslavia, Rwanda, East Timor, Irian Jaya-Western Papua-Bougainville and Colombia and, in the case of Iraq, called for the lifting of United Nations sanctions which, in his opinion, inflicted more hardship on the civilian population than on its dictatorial regime.

30. Lastly, he reaffirmed his organization's view that a Special Rapporteur should be appointed to report on the violations committed by guerrillas, armed bands and drug traffickers in Colombia. It also supported the proposal to appoint a Special Rapporteur on Nigeria.

31. Lord AVEBURY (African Commission of Health and Human Rights Promoters) described developments in Bahrain since the Amir had dissolved the partially-elected Assembly in 1973. Those who opposed his rule had been silenced by exile or administrative detention, and it was obvious that public opinion in general was not in favour of the leadership of the ruling family which made no concessions to the democratic movement and imposed its will by terror. Opposition leaders had been taken back into custody early in 1996, capital punishment had been reintroduced, a whole range of offences had been transferred from the ordinary courts to the State Security Courts and at least 2,000 persons were being detained without charge. Since Bahrain's stability was clearly threatened by mounting tension between the monarch and the masses, it was crucial to restore the human and democratic rights of which the people of Bahrain had been deprived over 20 years earlier. The Commission should

urge the Government to resume the dialogue with opposition leaders in a spirit of genuine willingness to concede the basic rights demanded by the United Nations for all peoples.

32. Ms. BAUER (Article 19 - International Centre against Censorship) said the tendency of the Nigerian Government to rule by decree did not guarantee the protection of citizens' rights under the international instruments to which Nigeria was a party. She noted the Nigerian Government's reply to the comments made earlier by the Canadian representative and said that the exercise of executive powers, as envisaged by Nigeria, would not ensure equality of opportunity for all or promote enduring political and economic power-sharing arrangements. She therefore endorsed the idea of appointing a Special Rapporteur for one year to investigate and report on the human rights situation in Nigeria.

33. While welcoming the release of Aung San Suu Kyi from house arrest in 1995, Article 19 was deeply concerned by violations of freedom of expression and the right of association and assembly in Myanmar; and urged the renewal of the mandate of the Special Rapporteur on that country for one year.

34. Moreover, it condemned the restrictions imposed on journalists and the harassment of NGOs and human rights defenders in Sri Lanka, and hoped that the Government of that country would report on the formal initiatives it intended to take to address those concerns.

35. In conclusion, she urged the Government of Iran to pay particular attention to further reform in the areas of freedom of opinion and expression, the right to seek and receive information, and the right of association and peaceful assembly. The mandate of the Special Rapporteur on Iran should, in her view, be renewed for an additional year.

36. Ms. HARBURY (Commission for the Defense of Human Rights in Central America) related her efforts to ascertain the facts concerning the disappearance and death of her husband, a Mayan citizen of Guatemala and commander of rebel forces. As a result of her investigations, and after a series of hunger strikes and a lawsuit against the United States Central Intelligence Agency (CIA), she had managed to establish the true facts which corroborated suspicion of torture and CIA involvement in her husband's death.

37. She condemned the Guatemalan army for its practices of systematic secret imprisonment, concealment of criminal acts, obstruction of justice, torture and extrajudicial execution of prisoners. She also condemned the CIA for purchasing information it knew was extracted through brutal corture that invariably culminated in murder. The concealment of human rights crimes from family members of the disappeared was deplorable.

38. Mr. WANI (World Society of Victimology) drew attention to the case of Jamil Andrabi, a Kashmiri human rights activist who had planned to attend the Commission's current session but who had instead been tortured and murdered in custody the previous month by Indian forces. A similar fate might await others who, like himself, had come to express their people's plight before the Commission.

39. All such activists were guilty of the "crime" of espousing the cause of political self-determination historically promised to Jammu and Kashmir by India, Pakistan and the United Nations. The Kashmiri people were entitled to live a life of peace and prosperity without being subjected to massive human rights violations. Fifty thousand people had been killed by Indian forces and more than 100,000 tortured or maimed, thousands of houses and business premises had been destroyed, and families were divided by an artificial frontier. The international community must not allow human rights in Kashmir to be sacrificed at the altar of economic interests.

40. Mr. ONGUENE (World Alliance of Reformed Churches) said that successive Governments had done little to improve respect for human rights in the 17 years since Equatorial Guinea had embarked on a return to democracy. True freedom must be based on the rule of law, sound administration and civilized government. Yet the present regime systematically flouted human rights. Since 1995 dozens of its political opponents had been detained for periods of two or three days and savagely tortured for exercising political rights recognized by internal legislation. As in previous years, those responsible continued to enjoy impunity. The Commission should call upon the authorities of Equatorial Guinea to renounce force and to work to achieve democracy through negotiation with opposition parties. The mandate of the Special Rapporteur should be renewed, and the international community should continue to monitor the situation in the country.

41. Ms. PARKER (International Educational Development, Inc.) said that her organization's representative to the Sub-Commission, Mr. Jamil Andrabi, had been killed in Kashmir the previous month while in the custody of the Indian army. He was 1 of over 20,000 recent civilian casualties in that long war for self-determination. In its resolutions 91 (1951) and 122 (1957) the Security Council had affirmed that Kashmir's status could be decided only by a plebiscite conducted under the auspices of the United Nations. The Commission should therefore recommend that ways be found of conducting the promised plebiscite, and should reject India's plan to organize elections.

42. Multilateral agreements also called for the status of the Moluccas to be resolved by plebiscite. Yet Indonesia had invaded that territory after its 1950 declaration of independence, and the Moluccans were still fighting to regain that independence. Elsewhere, gross violations of human rights in Guatemala were still, quite unjustifiably, being addressed in the framework of advisory services. The Commission should also review violations of political rights and humanitarian law in the Islamic Republic of Iran and the war in Chiapas Province, Mexico, and should provide a team of field officers to assist the Special Rapporteur on Myanmar in his work. Lastly, it should investigate violations of the Geneva Conventions and allegations of the use of chemical weapons in Chechnya.

43. Mr. MATAS (Coordinating Board of Jewish Organizations) said that, from the Nazi holocaust to the mass murders in Bosnia and Rwanda, history showed that incitement to hatred was a major cause of gross violations of human rights. If the Commission was to prevent future violations, it must actively promote the banning of "hate speech". That obligation was set forth in international instruments, yet no mechanisms existed to ensure its implementation. One lesson to be learned from the massacres in Bosnia and

Rwanda was that every country must have functioning laws that prohibited incitement to hatred, and that any country in which it was tolerated must be the subject of international concern.

44. To ask oppressive Governments to prohibit incitement to hatred seemed tantamount to inviting them to suppress freedom of speech. The solution to that dilemma would be a human rights package that balanced freedom of expression and the prohibition of hate propaganda. Since the obligation to prohibit incitement to hatred contained in international instruments was not binding on non-signatories, a Commission resolution urging States to prohibit and report on propagation of hatred would thus broaden the scope of application of those instruments.

45. Mr. CHEBEYA (International Human Rights Law Group) said that, despite the previous day's declarations to the Commission by the Zairian delegation, there had been no significant change in the situation of human rights in Zaire in 1995. In contravention of the provisions of the Transitional Constitution, the army and security forces continued to violate human rights in their day-to-day control of matters that were now properly the responsibility of the civilian authorities. Parliamentarians had recently been prevented by the army from entering the Parliament building. More serious were the detention without charge of an official of the National Library and the seizure of its entire stock of the constitutional texts of the National Sovereign Conference, recently translated for distribution in the country's four national languages. At least 14 people had been killed by the armed forces during a political demonstration in Kinshasa on 29 July 1995, and no one had subsequently been held accountable. The Government had again shown itself powerless in the face of the armed forces when, on 25 December 1995, the army had fired into a crowd at Goma, killing at least 17 persons. A resumption of inflation in the second half of 1995 meant that economic and social rights were also jeopardized.

46. Mr. LIONG (Liberation) said that the present Government of Indonesia had taken power in 1965 after killing up to 1 million people in one of the worst crimes of the century. That pattern of mass killings had continued unabated ever since, but only the Dili massacre of November 1991 had attracted international attention, and no independent inquiry into the matter had been permitted by the Indonesian authorities. Since 1990 human rights violations had worsened in Aceh and West Papua (Irian Jaya), prompting a flood of refugees to neighbouring countries. Liberation therefore welcomed the initiative of the High Commissioner for Human Rights to establish an Office in Jakarta. That Office should gather information from individuals and local human rights organizations, and monitor the conditions of political prisoners.

47. Violations of the human rights of the Kurdish population had persisted since Turkey's accession to the European Customs Union in 1995. Before joining the Union, Turkey had been obliged to relax its anti-terrorist laws, but it had simultaneously introduced an amendment to its Penal Code making the exercise of freedom of expression a punishable offence. Over 100 writers, academics, journalists and politicians remained in prison.

48. Mr. KADIEV (Society for Threatened Peoples) said that the war in the Chechen Republic had assumed genocidal proportions. Expressed as a percentage of the population, the number of casualties and displaced persons was

comparable to the losses suffered in Europe during the Second World War. The United Nations, which had been established to ensure that a similar tragedy would never recur, had taken no steps to stop the crimes in Chechnya, other than the Chairman's statement at the previous session of the Commission, which the Russian Government had totally ignored.

49. The right to life was being violated on a massive scale in Chechnya. Cluster bombs, chemical weapons and anti-personnel mines were being widely used, and homes and possessions destroyed, so as to drive the civilian population from their homeland. That strategy had a name: ethnic cleansing. Civilians were being executed without trial, and thousands were held and ill-treated in detention centres. The United Nations must take all necessary measures to stop the genocide of the Chechen people.

50. Mr. PASHA (Himalayan Cultural and Research Foundation) said that although the Commission's eagerness to stop human rights violations was proven, such abuses would continue if their causes were not eradicated.

51. The Islamic Mujahidin, who had emerged from the ruins of Afghanistan, were destabilizing other countries. In Kashmir that was happening with Pakistan's approval. The hapless Kashmiris, above all those from the Hindu community, were being slaughtered by mercenaries and their homes burnt, because Pakistan was bent on territorial expansion.

52. The Foundation urged the Commission to bring pressure to bear on Pakistan to stop misusing the name of religion to further its evil designs.

53. Mrs. WEI Shanshan (Transnational Radical Party) stated that her eldest brother, Wei Jing Sheng, had been sentenced to 14 years' imprisonment by a Beijing court for conspiracy to subvert the Government. Yet he was totally innocent, as the acts of which he had been accused did not amount to violent or clandestine activities.

54. China had the highest number of prisoners in the world and she wondered how many were, like her brother, prisoners of conscience, who had merely exercised their right to freedom of expression by denouncing injustice, intolerance and corruption.

55. Wei Jing Sheng's health had already been severely undermined by previous imprisonment and his family feared that he would not survive the new sentence. She therefore appealed to the Commission to save her brother by persuading China to stop persecuting people who merely exercised their universally recognized civil and political rights, as only then could China make a peaceful transition to democracy. For that reason, she called on the Commission to adopt the draft resolution on China.

56. Mr. RAVALOSON (Madagascar) considered that the prevention of human rights abuses was the most important aspect of the Commission's work and vital to the credibility of the United Nations. Yet, for a number of reasons, the protection of human rights was ineffectual in several countries, Cyprus being a salient example. Foreign occupation had exacerbated conditions there and

his country supported the view that the normalization of the human rights situation depended on the restoration of Cyprus' sovereignty and territorial integrity.

57. Although Madagascar had given proof of its determination to champion human rights, it was passing through a difficult phase of transition towards democracy and consequently welcomed the Secretary-General's idea of human rights diplomacy. International cooperation was indeed required to ensure that the right to development was not rendered meaningless by poverty and a lack of government resources. Such action had to be not only economic, but must also be aimed at the strengthening of institutions.

58. Independent, impartial and efficient courts were essential, as was legal reform, accompanied by the training of legal officers, the provision of adequate documentation and the improvement of prison conditions and rules. His country was, however, too poor to achieve those goals which would guarantee the rule of law. For that reason, he urgently appealed for the support of the international community and for technical assistance, without which human rights would be inoperative.

59. Among the various factors hampering the Commission's efficiency he singled out its structure and working methods, noting that its member States were jealous of their sovereignty. Whenever human rights issues brought States into conflict with their citizens, therefore, the individuals concerned should be allowed to have their say in the Commission. ILO's experience with tripartite representation might be useful in that regard.

60. While that type of reform could not be carried out overnight, any improvements along those lines should be encouraged as the United Nations and the international community would be discredited unless the Commission truly became the conscience of humanity.

61. Mr. SARMIENTO MANTILLA (Colombia) explained that as the Public Prosecutor's Office had been set up to investigate crime, it was responsible for curbing impunity. Failure to prosecute had been the primary cause of the violence experienced by his country.

62. The Colombian Government acknowledge the need for cooperation with the international community in order to curb continuing, serious infringements of human rights, which were not part of any State policy. The international community would make a grave mistake if it appointed a special rapporteur on Colombia, as such a move would imply lack of confidence in the public prosecutor, who was doing his best to put an end to impunity.

63. He pointed out that the very establishment of the Human Rights Unit to which that Office was attached reflected the State's determination to protect human rights, and that the significant support given to the Public Prosecutor's Office by the Colombian Government had not compromised its independence, as had been demonstrated by its investigation of offences committed by senior government officials.

64. The Regional Tribunal had been accused in various international bodies of infringing the human rights of certain political groups in Colombia. While

recognizing that some errors had been made and restrictions placed on certain trade unionists' rights, he wished to make it clear that the Tribunal had been set up to combat a wave of killings of Colombian judges and officials. Nevertheless, in response to criticism from the international community and Colombian citizens, the Regional Tribunal was to be abolished forthwith, but drug traffickers would not go unpunished.

65. The outcome of investigations into violations of human rights or international humanitarian law clearly depended on the securing of evidence by specialized officers able to act quickly, decisively and impartially, but such conditions would not obtain if public prosecutors were afraid of barbarous acts committed by outlaws.

66. The Public Prosecutor's Office was obliged to respect the rights and freedoms embodied in various legal instruments and ensure that victims of human rights abuses obtained justice speedily and effectively.

67. Mr. GEORGE (Observer for Botswana) reaffirmed his country's firm commitment to the fundamental principles of human rights embodied in the Charter of the United Nations. As Botswana believed that the right to development was an integral part of those human rights, it had introduced a Remote Area Development Programme targeted at all Batswana who did not live in villages.

68. The Programme set out to provide social services and promote productive activities, and it mirrored the Government's awareness of the country's ethnic diversity. Botswana's aridity made it unsuitable for certain activities but, resources permitting, hunting and gathering were allowed, as they constituted a means of subsistence for the Basarwa or Bushmen.

69. Botswana did not believe that any of its people would want to live in harsh conditions simply because their forebears had done so, and considered it was logical that dwellers in remote areas should participate in decisions affecting their lives with the Basarwa's consent, therefore, the Government was seeking to integrate them in a more modern way of life.

70. Mr. ZHANG Yishan (China), speaking in exercise of the right of reply, expressed the Chinese delegation's deep regret that Mr. Kinkel had abused his status as a guest of honour by verbally attacking China. Germany's past did not qualify him to lecture China, and he should first address his own country's serious human rights shortcomings.

71. Despite the fact that dialogue between the European Union and China must be based on equality and mutual respect, the European Union and Germany had sought to impose a date by which China was supposed to accede to human rights conventions and had expressed a wish to send rapporteurs to China. Such ultimatums could not be expected to produce results. Why had rapporteurs not been invited to Germany to look into the numerous infringements of human rights there? China rejected the politicization of human rights.

72. Mr. USMAN (Observer for Nigeria), speaking in exercise of the right of reply, said that contrary to the sweeping allegations made by some speakers, the human rights situation in Nigeria had not deteriorated. On the contrary,

the Government had tried to enhance citizens' rights, free courts were operating effectively and there had been no mass or unjustified arrests. The huge turnout in orderly local government elections was proof of the population's confidence in the transition to democracy. Nigeria was cooperating with human rights bodies and regularly submitted the reports required of it.

73. Mr. QAZI (Pakistan), speaking in exercise of the right of reply, rebutted the accusations levelled against Pakistan by the representative of the Kabul regime. Pakistan had made great sacrifices in assisting Afghanistan on account of the strong ties between the peoples of both countries. The Kabul leadership had reneged on its commitment to create a democratic government and as it represented only a small segment of the Afghan people, its efforts to cling to power made it detested by the majority. Moreover, it had been behind an attack on the Pakistan embassy in Kabul. Its opponents, who were not mercenaries, controlled most of the territory of Afghanistan, where peace prevailed. He urged the Kabul regime to safeguard the territorial integrity of Afghanistan and the interests of all who lived there.

74. Mr. PALACIO (Cuba), speaking in exercise of the right of reply, said that he felt like a spectator in an anti-Cuban circus. The International Association of Educators for World Peace had trotted out the same old hackneyed statements which were not credible, as everyone knew who was behind them. By persisting in such action, that organization would force his delegation to take steps to have its consultative status removed.

The meeting rose at 9.05 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 45th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 17 April 1996, at 10 a.m.

Chairman: Mr. VERGNE SABOIA (Brazil)

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(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF LIECHTENSTEIN

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF ARMENIA

STATEMENT BY THE MINISTER OF JUSTICE OF THE SUDAN

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Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.96-12595 (E)

The meeting was called to order at 10.20 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 10) (continued) (E/CN.4/1996/3, 4 and Corr.1 and Add.1 and 2, 6, 7, 9, 12, 16 and Add.1, 54-57, 59-65, 66 and Corr.1 and 2, 67 and Add.1, 68, 69, 107, 111, 114, 115, 119, 121-131, 133, 135, 139, 145, 146, 149, 150, and 154; E/CN.4/1996/NGO/9, 10, 12, 16-18, 21, 29, 30, 36, 44, 52, 54, 57, 58, 62, 67-69, 80 and 87; A/50/471, 567-569, 663, 734, and 767 and A/50/894-S/1996/203)

1. Mr. TORELLA di ROMAGNANO (Italy), speaking on behalf of the European Union, the Central and Eastern European countries associated with the Union and the associated countries of Cyprus and Malta, said that no screen of domestic jurisdiction or national sovereignty could prevent the international community from identifying human rights violations and demanding that Governments remedy acts that offended the conscience of mankind. All States should become parties to the international human rights instruments and cooperate in good faith with the Commission's mechanisms.

2. Concrete prospects for peace had finally materialized for Bosnia and Herzegovina and the Union's administration in Mostar was helping to pave the way for reconciliation. The massive human rights violations reported by the Special Rapporteur on the situation of human rights in the territory of the Former Yugoslavia would have to be elucidated, and those responsible for war crimes and crimes against humanity brought to justice. All parties were obliged to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia, by inter alia preserving evidence, handing over persons indicted by the Tribunal and providing unrestricted access to places such as mass grave sites and to persons with relevant information.

3. The Union attached great importance to the holding of free and fair elections in Bosnia and Herzegovina under the supervision of the Organization for Security and Cooperation in Europe (OSCE). The adoption by the Bosnian legislature of an amnesty law was a positive development. The recent exodus of Serbs from the suburbs of Sarajevo was unfortunate: all authorities must guarantee the safety of those who remained and take measures to facilitate the early return of those who had left. The parties must grant international organizations full access so that they could monitor the human rights situation throughout Bosnia and Herzegovina. Detention camps must be closed and provisions for the release of all detained civilians and combatants must be complied with unconditionally.

4. In Croatia, although a number of judicial proceedings had been started for crimes committed in the aftermath of the military operation in Krajina, violence against the Serb population had yet to be redressed. The authorities must fulfil their commitment to create adequate conditions for the voluntary return of Serb refugees and must adopt without delay effective measures to accord all minorities international standards of protection.

5. The Union was contributing significantly to reconstruction in the Former Yugoslavia, with an approach focused on promoting and furthering cooperation among the countries of the region. It was concerned at the multiplication of measures to hinder media pluralism there.

6. Following the entry into force of new civil, penal and labour codes, Albania should continue on the path towards full consolidation of democratic institutions, including an independent judiciary. The rights of persons belonging to minorities, including the Greek minority, must be fully respected. The forthcoming elections must be open, fair and free: there had been recent reports of certain restrictions.

7. Constitutional reform and amendment of the Anti-Terrorism Act in Turkey had facilitated the entry into force of the customs union with that country. The Union unequivocally condemned terrorism and supported Turkey's territorial integrity but, since human rights violations could never be justified by the fight against terrorism, the situation in south-east Turkey was a cause for concern. Extrajudicial executions, enforced disappearances and torture were practices that the Government must work actively to abolish.

8. The division of the island of Cyprus was unacceptable, and it was to be hoped that the Secretary-General's good offices would be successful and that the Committee on Missing Persons would be able to continue its work without hindrance.

9. Despite the recent announcement by the President of the Russian Federation of a peace plan for Chechnya, there were no clear signs that a peaceful and lasting solution was within reach. The Union remained concerned at the excessive use of force by the Russian army and called on the parties to refrain from any further acts of violence. Humanitarian deliveries must be granted unhindered access.

10. The recent free and fair elections in Georgia would contribute substantially to that country's stabilization. The Union called for a peaceful settlement to the conflicts in Abkhazia and South Ossetia in order, inter alia, to allow the return of refugees and displaced persons.

11. It was unfortunate that the elections in Azerbaijan had been marred by numerous irregularities: the Government must pursue democratization with greater conviction. The forthcoming presidential elections in Armenia should take account of the recommendations made by international observers following the 1995 elections. The parties to the conflict in Nagorny Karabakh should reach a political settlement within the framework of the OSCE Minsk Group.

12. Progress had been made in the human rights field in Uzbekistan, though much remained to be done. In Tajikistan, however, the political situation had frankly deteriorated, seriously affecting the enjoyment of human rights. All parties must work towards reconciliation in accordance with OSCE principles.

13. The Union called on the Algerian Government to continue the democratic process launched by the Presidential elections in 1995 and to hold free and fair legislative elections as soon as possible.

14. Progress in the Middle East peace process had regrettably been overshadowed by acts of terrorism, which must not be allowed to disrupt that process. The closure of the Palestinian territories was a cause of concern because of its socio-economic impact on the population. The measures taken by the Palestinian Authority to combat terrorism were welcome and should be continued. Despite the partial Israeli military redeployment and the holding of democratic elections in the occupied territories, the human rights situation there remained a cause for concern.

15. Reports by the Special Rapporteur on the situation of human rights in Iraq made it evident that that country had done nothing to improve its appalling human rights record. The draining of the southern marsh area was undoubtedly a systematic policy designed to annihilate the community of Marsh Arabs. The Iraqi Government must immediately stop all human rights violations, guarantee the rights of women and minorities and abide by its international obligations. It should put an end to social discrimination with regard to access to food and health care and cooperate with the international humanitarian organizations.

16. In the Islamic Republic of Iran, capital punishment was used to excess, cases of torture occurred, the judiciary was flawed and religious minorities such as the Baha'is were discriminated against. Sentences for apostasy were unacceptable, and the equal rights of women should be ensured. It was encouraging, however, that a number of special rapporteurs had recently been able to visit the country: that cooperation should be expanded. The Union would continue to seek assurances from the Government that the life of Salman Rushdie would not be endangered: the fatwa against him was a breach of international law and ran counter to the Universal Declaration of Human Rights and the principle of sovereignty of States.

17. The Union was deeply concerned about reported failures to observe due process in capital cases in Saudi Arabia and reports of torture of detainees and detention without trial. The situation of women and denial of the right to freedom of religion and expression were also disturbing. Saudi Arabia should ratify the main human rights conventions and cooperate with the human rights monitoring bodies.

18. As part of its dialogue with the Syrian authorities, the Union was encouraging them to ensure full respect for human rights. It welcomed the release of a number of political prisoners in December 1995.

19. Several countries in sub-Saharan Africa had moved towards establishing more democratic and open societies, but, in others, human rights were often infringed upon, humanitarian emergencies were frequent and armed conflicts continued to take a heavy toll. Ethnic hatred was one of the prime causes of tension.

20. The Union had appointed a special representative to monitor the situation in the Great Lakes Region and to support the efforts of the United Nations and the Organization of African Unity (OAU) to promote reconciliation. The continuing violence in Burundi confirmed the absolute urgency of promoting constructive dialogue among all the parties. The Union had made known its views on Burundi at the special meeting on the subject.

21. In Rwanda, the lack of a reliable judicial system and the inhuman detention conditions of thousands of prisoners were a cause for serious concern. Though the Rwandan Government was making laudable efforts to promote the voluntary return of refugees, further action was required to foster the necessary trust. All States, particularly Rwanda's neighbours, should cooperate with the International Tribunal for Rwanda, including through the tracing, apprehension and handing over of suspects. The States members of the Union were still the largest contributors to the Human Rights Field Operation in Rwanda, which was experiencing financial difficulties. All States should join that effort, while working to find solutions more durable than voluntary contributions for the Operation's financing.

22. The heavy burden placed on Zaire by the presence of thousands of refugees should be dealt with in a regional framework. The Union was dismayed that Zaire had not yet signed the agreement for the establishment of an office of the High Commissioner for Human Rights. The Zairian authorities should engage resolutely in democratization, and particularly the organization of free and fair elections.

23. The arbitrary execution in Nigeria, after a flawed judicial process, of Ken Saro Wiwa and other Ogoni leaders had been condemned world wide. The Union had adopted restrictive measures and could consider others if the human rights situation deteriorated still further. The denial of political rights, serious flaws in the administration of justice, acts of torture, abuses of State power and the situation of ethnic minorities were all sources of concern. The Nigerian authorities must release all political prisoners and cooperate fully with the relevant Commissions's mechanisms. Full respect for human rights and an early return to accountable democratic rule were prerequisites for the normalization of relations with the international community.

24. In Liberia, all factions should cease hostilities and disengage, disarm and demobilize their combatants. Human rights abuses in the Casamance region of Senegal were a cause for concern. The parties should pursue the peaceful path of negotiations in order to resolve their differences. The successful outcome of the recent elections in Sierra Leone was a welcome development. It was to be hoped that the calendar for return to democracy in the Gambia could be maintained. The Government should lift the ban on political activity, release or charge all detainees and respect the freedom of the press. All parties in Chad must pursue the dialogue aimed at facilitating the holding of elections.

25. As a result of the coup d'état in Niger, which had abruptly interrupted an important, although difficult, process of democratization, the Union had suspended its development cooperation with that country for a six-month period.

26. In Equatorial Guinea, the recent presidential elections had taken place without the necessary guarantees of freedom, pluralism and transparency. Intimidation by security forces during the campaign had been frequent. The Union urged the Government to pursue its transition towards a pluralist democracy. The Special Rapporteur on the situation of human rights in

Equatorial Guinea should continue his mission with regular on-the-spot visits to find a way of redressing the situation, in cooperation with the authorities.

27. In the Sudan, ethnic and religious minorities, such as the Nuba people, and opposition groups continued to suffer discrimination. The Union was deeply concerned about systematic torture and other inhuman treatment, extrajudicial killings, arbitrary arrests, slavery and slavery-like practices, forced displacement of persons and the bombing of civilians. It called upon all parties to respect humanitarian law and urged the Government to guarantee the security of humanitarian personnel. The Government's negative attitude towards the Special Rapporteur was unfortunate: it should cooperate with him and provide his with full access to the country.

28. In Somalia, the continuing civil war might well lead to famine once again. The Union called on all parties to lay down their arms and initiate a genuine dialogue towards the national reconciliation and stability which were prerequisites for support by the international community. The Government of Eritrea should pursue its path towards a multi-party democracy.

29. In Kenya, constitutional reform, political and civil rights, the rule of law, freedom of the press and obstacles to the activities of NGOs were matters of deep concern to the Union, which nevertheless welcomed the Government's efforts to facilitate dialogue among all parties with a view to the 1997 general election.

30. In the past two years, southern African countries had taken several important steps towards enhancing respect for human rights through the establishment of democracy and the rule of law. The progress made in South Africa in 1995 had helped to stabilize the entire region. There were still difficulties in Angola however, while, in Mozambique, growing violence was a cause for concern and only dialogue and respect for the political rights of the opposition could bring about national reconciliation. In Zimbabwe, the authorities should encourage political dialogue. The announcement by the King of Swaziland that the ban on political parties was to be reviewed was a welcome development.

31. All parties in Afghanistan must respect human rights and humanitarian law and permit the free movement of humanitarian organizations. Aid to Afghanistan should be pursued, but countries should refrain from interfering in its affairs and from supplying arms to the warring parties.

32. In Kashmir, measures taken by India to increase transparency and prevent human rights violations were welcome and should continue. The Union condemned all violence and hostage-taking. It called on the Government of Pakistan to prevent armed infiltrations from territories under its control. Dialogue between India and Pakistan should resume without delay.

33. In Bangladesh, the long political crisis was being increasingly accompanied by violence. The recent elections had been flawed by the boycott of the opposition parties and the actions of the supporters of the ruling party. All sides should show restraint and work to ensure free and fair elections.

34. The human rights situation in Myanmar continued to be a source of concern. The Union urged the State Law and Order Restoration Council (SLORC) to release all political prisoners immediately and unconditionally. The release of Daw Aung Sang Suu Kyi had been an important first step, but she and her National League for Democracy (NLD) colleagues continued to be excluded from the political process. Furthermore, SLORC policies with regard to the ethnic groups were still unsatisfactory. The recently reported attacks on Karen settlements constituted an alarming development. The Union urged SLORC to engage in a dialogue with all political and ethnic groups and to increase its efforts to achieve national reconciliation and a multi-party democracy.

35. Reports of other human rights violations, including arbitrary arrest and torture, forced labour, military porterage and the displacement of entire communities, were deeply disturbing. Furthermore, the freedoms of speech and association were still being denied. The Union urged SLORC to create the necessary conditions to end the movements of refugees to neighbouring countries and to facilitate their voluntary return and full and safe reintegration.

36. The Union warmly welcomed the continuing efforts of the Special Rapporteur and urged SLORC to continue to extend its full cooperation to him and to other United Nations organs. It also urged the Government to stop all human rights violations and to allow ICRC access to detention sites and to continue to permit and support the human rights activities of NGOs.

37. The Union strongly condemned the terrorism in Sri Lanka and called upon the parties to reach a negotiated settlement to the conflict. In that connection, it welcomed the "devolution package" and the readiness of the Government to take effective measures to prevent and punish violations of human rights and humanitarian law by the armed forces.

38. The human rights situation in East Timor was still a cause for serious concern. A general atmosphere of distrust prevailed, prompting numerous young people to flee the territory. The Union welcomed the cooperation that the Indonesian Government had extended to the High Commissioner for Human Rights, including the arrangements for his recent visit to the territory, and called upon that Government to implement his recommendations in full and to improve access to the territory for human rights and humanitarian organizations, as well as the international media. It urged the Government to release all political prisoners and to abide by the Commission's deliberations.

39. Cooperation with the relevant Commission mechanisms was also necessary. It was regrettable that Indonesia had not responded to the repeated requests by the Special Rapporteur on torture and the Working Group on Arbitrary Detention for permission to visit East Timor, while the Working Group on Enforced or Involuntary Disappearances had received no information concerning the cases transmitted to the Indonesian authorities in November 1991. The Union continued to support the dialogue between Portugal and Indonesia under the aegis of the Secretary-General with a view to finding a just, comprehensive and internationally accepted settlement of the question that respected the legitimate aspirations of the East Timorese and was in conformity with the Charter of the United Nations.

40. The willingness of the Government of China to cooperate with the Commission's mechanisms and to exchange information on human rights issues was most welcome. The Union invited China to sign and ratify the two International Covenants on Human Rights. It welcomed the undertaking by the Chinese Government that the provisions of both those Covenants would remain in force for Hong Kong after 1 July 1997, and called upon it to clarify how it intended to fulfil the reporting requirements under the Covenants in respect of Hong Kong.

41. The Union hoped that the transformations achieved under the Chinese economic reforms would lead to a substantial enlargement of individual freedom in the economic and social fields. It welcomed the adoption or revision of basic laws in the criminal, civil and administrative fields, particularly the adoption of a criminal procedure more respectful of the defendant's human rights. Nevertheless, the persistence of violations of human rights and fundamental freedoms in China continued to be a source of grave concern.

42. Despite their solemn recognition in the Constitution, the rights to freedom of expression, association and assembly continued to be restricted and the rights of minorities and recognition of their cultural, ethnic and linguistic identities were still inadequate, particularly in Tibet, where there were recurring restrictions on religious practice. The Union expressed its concern regarding the fate of the child recognized by the Dalai Lama as the eleventh Panchen Lama.

43. Particularly disturbing in China was the lack of transparency and independence of the judiciary, especially with regard to criminal charges against political dissidents and human rights activists. The practice of "re-education through labour" and other forms of administrative detention were also highly objectionable. The excessive use of the death penalty, arbitrary detentions and overall prison conditions, including the use of torture, were likewise causes for concern.

44. Recent reports on the situation of young orphans, in a State-run institution in Shanghai were also sources of anxiety. In that connection, the Union wished to remind the Chinese Government of its responsibilities under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

45. It was regrettable that the Government of Cuba continued to deny rights to its citizens, especially the freedoms of expression and association. Adequate protection of civil and political rights was intrinsic to sustainable development. The Cuban authorities should release all political prisoners, modify restrictive penal legislation and initiate a genuine dialogue with representatives of peaceful opposition groups. In that connection, the Union especially condemned the harassment and imprisonment of members of the opposition umbrella association Concilio Cubano. Cuba also needed to cooperate with the Special Rapporteur on Cuba and to ratify international human rights instruments.

46. The progress made in the field of human rights in Haiti, including the holding of free and fair presidential elections, the efforts to create an efficient civilian police force and a properly functioning civilian

administration, the restructuring of the penal system, the reform of the judiciary, and the fight against impunity were most welcome. The Government should continue to cooperate fully with the United Nations presence in the country. The Union trusted that the Government would achieve further progress in human rights and in social and economic development within a framework of national reconciliation and justice.

47. The human rights situation in Guatemala was still a source of concern. The United Nations presence in the country had had a positive effect on human rights and the Government should continue to cooperate with it and with the Independent Expert. Impunity was a worrying factor, especially as far as the army was concerned. The parties should engage in a genuine dialogue, and the global agreement on human rights should be implemented without no further delay. The Union welcomed the recent holding of presidential and parliamentary elections and the recent steps taken by the incoming Government, notably the dismissal of 118 police officers for corruption and the suspension of some 17 army officers suspected of criminal activities.

48. The Government of Colombia should intensify its efforts to improve its very serious human rights situation by combating impunity, extrajudicial executions, enforced disappearances, torture and other ill-treatment. The Union welcomed the cooperation extended by Colombia to the Commission's mechanisms in conformity with the commitment undertaken at the fifty-first session. However, that commitment had not had the expected effect and the Government should therefore enhance its implementation of the recommendations.

49. The Union noted that improvements had occurred in Peru, but it continued to follow the human rights situation there with attention and renewed its call for a fight against impunity.

50. The Commission was the main forum in which the international community could draw the world's attention to violations of human rights in individual countries. A judgement on the behaviour of other sovereign States should be interpreted as proof of the Union's genuine interest in improving the enjoyment of all human rights and fundamental freedoms world wide, a matter in which it knew it was not itself exempt from criticism.

51. Mr. van der STOEL (Special Rapporteur on the situation of human rights in Iraq) said that the exceptional human rights situation in Iraq required an exceptional response. There had been no indication of significant improvement, only intransigence on the part of the Government as it has denied the facts, refused to accept its responsibilities and rejected his conclusions and recommendations out of hand. It had reduced its cooperation with him to nothing and had continued with ad hominem arguments against him.

52. Rather than summarize the three reports he had submitted to the United Nations in the past year, he wished to draw attention to certain specific issues. The information received from persons who had recently been in Iraq confirmed that there had been no significant change. Extreme fear prevailed both inside Iraq and outside it among those who had fled. The Government maintained all-pervasive control. Arbitrary and often brutal interference on the part of security and Baath Party officials in the daily lives of Iraqis remained the order of the day and had been exacerbated by the general economic deterioration.

53. There was no rule of law and the freedoms of opinion and expression had been totally suppressed. The cruel and unusual punishments of amputation and disfigurement had continued in 1995. Government newspapers had recently reported that they were no longer to be applied, but he had received no evidence that the decree authorizing them had been repealed. The Government had defended them by the argument that they were "effective" - an unequivocal admission that it was engaged in gross and systematic breaches of its international obligations.

54. The cruel and unusual punishments and the unashamed manner in which they were decreed demonstrated the Government's commitment to the total subjugation and control of the population, extending to all aspects of life. The totalitarian system admitted of no opposition, only subordination and conformity.

55. Harsh punishments were meted out to those who opposed the Government and to persons associated, or believed to be associated, with them. Suspicion reigned supreme. The fate of two well-known former Government leaders who had sought asylum in Jordan and had then returned to Iraq in February 1996 with full assurances of amnesty and security, was clearly indicative of the situation.

56. Neither the October referendum for the presidency nor the March elections to the National Assembly had respected the will of the people: both had been charades. Candidates for the National Assembly had been required to demonstrate dedication to the goals of the Baathist Revolution and to accept the leading role of the Baath Party. The power of the National Assembly was, in any case, essentially symbolic; the real power lay with the Revolution Command Council, led by President Hussein. The structure was, therefore, dictatorial.

57. The best example of the total control maintained by the Government was in relation to the economy and, in particular, access to adequate food and health care. The material situation in Iraq was grave, with large numbers of innocent people in great need. The Government was responsible for that suffering since it had refused to cooperate with the United Nations to provide adequate humanitarian assistance, refusing in particular to accept the "food for oil" solution. He urged that Government to take immediate steps to alleviate the shortages caused by its intransigence and to provide adequate guarantees that the population of the three governorates in the north would also receive assistance, without any interference.

58. Mr. AL-DORY (Observer for Iraq) said that the Special Rapporteur on the situation of human rights in Iraq had always adopted a hostile attitude as part of the campaign against Iraq to exert pressure on its political system and destroy its unity. The Special Rapporteur was known for his impetuous and blunt remarks and disregard for credibility. From the outset, he had used a provocative approach in presenting his reports and had depended on inaccurate information obtained from field visits to locations where the so-called "Iraqi opposition" was strongest. He had leaked his reports to the press before submitting them to the Commission and had presented them in a manner inconsistent with the rules for human rights reporting.

59. In his most recent report (E/CN.4/1996/61), the Special Rapporteur stated that State structures in Iraq were the cause of human rights violations. His Government had already provided a detailed explanation of its administrative structures, which made it clear that Iraq was a State governed by institutions. Had that not been so, it would not have been able to survive the aggression against it in 1991 or endure the devastating impact of the economic embargo.

60. His Government was eager to integrate human rights into its political and constitutional system but required a favourable economic and political environment to do so. Despite the economic embargo, it had commuted death sentences and adopted a general and comprehensive amnesty for Iraqis and non-Iraqis convicted of political and non-political crimes. Iraq had only a few political prisoners. His Government had also abolished punishments designed to prevent desertion from the army, including the amputation of the ears of deserters. Legislation promulgated in 1995 allowed wide participation of citizens in public affairs. A law governing parliamentary life had also been enacted in 1995. General elections had been held in March 1996. According to a recent constitutional amendment, candidates for the presidency were to be chosen by popular referendum. In a referendum held on 15 October 1995, the Iraqi people had freely expressed their choice of Saddam Hussein as President, by a majority of 99.96 per cent.

61. In an effort to discredit his Government, the Special Rapporteur had misinterpreted any steps it had taken to consolidate constitutional legitimacy and democracy. He referred in his report to events that were untrue and unfounded. No military operations of any kind had taken place in the marsh areas or the southern governorates; Iraqi forces had not shelled the northern regions. The Special Rapporteur's allegations regarding the "uprising" in the city of al-Ramadi were rumours spread by groups hostile to Iraq and circulated by news agencies that had made no attempt to verify their accuracy.

62. The Special Rapporteur's assertions regarding missing persons were highly exaggerated. Disappearances were always the result of exceptional circumstances, which could not be brought under control without sacrifice and suffering: that had been the case during the war between Iraq and Iran, the aggression committed against his country in 1991, and the subsequent riots.

63. His Government was cooperating with the Tripartite Committee established to discover the whereabouts or resolve the fate of missing persons from Kuwait, under the supervision of the International Committee for the Red Cross (ICRC), and in accordance with international norms.

64. The Special Rapporteur held the Government of Iraq responsible for the human suffering caused by the embargo, linking the issue to the provisions of Security Council resolution 986 (1995), which imposed a control mechanism on Iraq's oil exports. However, certain parties in the Security Council were transforming the sanctions mechanisms from a tool for resolving international disputes into a means of taking revenge on a people and impeding its development. His Government was currently engaged in a dialogue with the United Nations with a view to finding a suitable way of ensuring a supply of food, medicine and other basic items to the Iraqi people by allowing Iraq to

export a limited quantity of its oil, but the only way to improve the human rights situation in his country was the lifting of the embargo, the end to all interference in Iraq's internal affairs and the granting to the Iraqi people of the freedom to determine its own destiny.

65. Mr. LEGAULT (Canada) said that gross violations of human rights continued in Iraq. He hoped that the Iraqi Government would agree to sell limited quantities of oil in order to buy humanitarian goods and ease the hardships of its people. Continuing Government violence against the Shiah and Kurdish minorities remained a matter of concern.

66. The visits to Iran of the relevant Special Representative and two thematic rapporteurs had been positive steps, as was some evidence of political pluralism. Yet, the situation of religious minorities, particularly the Baha'is, must be improved. He called on the Iranian authorities to cease their support for terrorist groups opposed to the Middle East peace process and to rescind publicly the fatwa against Salman Rushdie.

67. The military rulers of Nigeria must speed up the transition to democracy and respect the human rights of the Nigerian people. The execution of Ken Saro-Wiwa and his co-defendants was only one of many serious abuses. The Commission should appoint a special rapporteur to investigate the situation of human rights in Nigeria.

68. The perpetrators of the genocide in Rwanda must be brought to justice. While welcoming the cooperation of the Government of Rwanda with human rights field operations, he regretted that progress in building the judicial system and establishing the rule of law in that country had been painfully slow.

69. Human rights in Zaire were highly vulnerable in the current state of anarchy. He urged the authorities to respect the freedom of the press, accept the presence of United Nations monitors and cooperate in the orderly and humane repatriation of Rwandan refugees.

70. As the Special Rapporteur on the situation in Sudan had reported, grave and widespread violations of human rights and humanitarian law by all parties involved in the civil conflict continued to occur. The Government of Sudan should cooperate with the Special Rapporteur.

71. The Government of Sri Lanka should make greater efforts to improve the human rights situation there and he urged the Liberation Tigers of Tamil Eelam (LTTE) to show respect for human life and human rights and join the Government in seeking a peaceful solution to the conflict.

72. His Government welcomed the opportunity to cooperate with human rights institutions in India. Despite a decrease in the violence in the Punjab and, to a lesser extent, in Jammu and Kashmir and the north-eastern region, abuse of human rights security forces and militants in those areas remained a cause for concern.

73. His Government had also engaged in a dialogue with the Government of Pakistan on human rights abuses. Positive developments in that country included the creation of a Ministry of Human Rights and initiatives to examine laws and regulations which had a harsh impact on vulnerable groups.

74. Human rights violations continued on a massive scale in Myanmar. The National Convention was a flawed process and did not reflect the will of the people. He urged the SLORC to demonstrate a concrete commitment to national reconciliation and democratic reform.

75. China's impressive pace of economic reform and growth had dramatically reduced poverty, but little progress had been made in such areas as freedom of religion, freedom of expression and freedom of association. He hoped the Chinese Government would act swiftly to implement recent statutory changes intended to enhance the protection of individual rights in the legal system.

76. The opening of an office of the Indonesian Human Rights Commission in Dili, the start of human rights training for the Indonesian armed forces, and the visit to East Timor by the High Commissioner for Human Rights were encouraging developments. However, the Government of Indonesia had not yet reacted to the recommendations of the Special Rapporteur with regard to extrajudicial executions.

77. The imprisonment in Viet Nam of religious leaders and others calling for democratic reform was a matter of concern. He urged the Vietnamese authorities to implement the recommendations of the Working Group on Arbitrary Detention.

78. The international community must continue to support Haiti's efforts to sustain the pace of its remarkable progress in the area of human rights since October 1994.

79. Although important progress had been made, significant problems in ensuring respect for human rights remained in El Salvador. His delegation attached particular importance to the conclusion of a technical cooperation agreement between the Government of El Salvador and the Centre for Human Rights.

80. While encouraged by recent moves towards a final peace accord in Guatemala, his Government was concerned by continuing human rights violations and the persistence of impunity. It fully endorsed the work of the Independent expert for that country, whose mandate should be extended.

81. Cuba's unconditional release of a few political prisoners and its ratification of the Convention against Torture were positive developments. Its achievements in the area of social and economic rights had been marred by repressive measures against advocates of peaceful reform. He urged the Cuban authorities to cooperate with the relevant Special Rapporteur and the thematic rapporteurs.

82. Despite a long record of free elections, Colombia was caught in a spiral of violence, corruption and impunity. He urged the Government of that country to take steps to restore genuine respect for human rights and democracy.

83. There had been a decline in terrorist activity in Peru and an improvement in the human rights situation there, including the recent election of an ombudsman. The prevailing climate of impunity and lack of independence of the judiciary, however, were still matters of concern.

84. The international community must reinforce the Dayton Agreement with all the resources at its disposal, working with the parties involved to ensure that the crimes committed in the former Yugoslavia were never repeated and that those responsible would have to answer for their actions.

85. It was regrettable that the transition to democracy in Russia continued to be marred by the conflict in Chechnya. His Government condemned the taking of hostages by terrorists and the use of violence for political ends. It called on all sides to respond in good faith to President Yeltsin's peace initiative, including the early resumption of negotiations towards a political settlement.

86. He urged all those countries that had not yet done so to implement the recommendations of the special rapporteurs and independent experts. There were no second-class rights or second-class people anywhere in the world.

87. Mr. BAMSEY (Australia) said that the primary safeguard for the protection of human rights was a democratic society which must have five essential elements, namely, the rule of law, an independent judiciary, a free press, freedom of speech and assembly and the right to a fair trial. Economic, social and cultural rights and the right to development were complementary thereto.

88. The Commission's ability to scrutinize all human rights issues everywhere was a crucial test of its credibility and its members should work together to promote a culture where raising issues in that regard would be acceptable to all the Governments concerned. His own Government readily accepted the obligation to open Australia's record to international scrutiny.

89. However, as the number of human rights mechanisms had grown, the United Nations capacity to provide sufficient resources had been called into question. Governments should support and cooperate scrupulously with the system of mechanisms established to examine country situations, while at the same time working for improvements in managerial effectiveness and efficiency. They should also enter into constructive dialogue on human rights issues both with other Governments and with national and international NGOs.

90. In that regard, he welcomed the cooperative approach of the Government of Burundi, where continued violence and violations of human rights had given cause for serious concern. He also welcomed the decision of the Government of the Islamic Republic of Iran to accept a visit by the Special Representative on the human rights situation in that country.

91. He regretted, however, that some Governments - notably those of Cuba, Iraq and Sudan - had failed to extend their cooperation to the Commission's mechanisms and urged them to reconsider their positions.

92. His Government was deeply concerned at the serious and widespread human right abuses in the Sudan. It urged the Government of Iraq to implement Security Council resolution 986 (1995) as a sign of its commitment to the basic humanitarian needs of its people.

93. It was most distressing that the Nigerian Military Government had failed to observe internationally accepted human rights standards, including those to which Nigeria was a party. He called on that Government to honour its commitment to return the country to democratic rule and supported the appointment of a special rapporteur of the Commission to look into the situation.

94. In Myanmar, despite the recent release of some political prisoners, much remained to be done to foster an open political environment and the establishment of political structures and practices that addressed the political, economic, social and cultural aspirations of all the people of that country. Recent harsh prison sentences for political activists were not conducive to social and political cohesion.

95. The observance of human rights in China was an important element in strengthening stability and continued economic growth in the country and its effective integration into the region. Notwithstanding the considerable strides in economic and social areas and the important steps taken towards building a more effective legal system, there was still concern about fundamental rights such as freedom of speech and assembly, the right to a fair trial and religious freedom, particularly in Tibet.

96. Although the Indonesian Government had made considerable efforts to improve the economy and standards of living of the people of East Timor, his delegation was still concerned about human rights problems there and supported the talks on East Timor under the auspices of the Secretary-General. Indonesia should reduce its military presence in the province and provide for improved observance of human rights there and administrative arrangements that accorded more influence and autonomy to the indigenous East Timorese. Indonesia should take account of the suggestions by the High Commissioner for Human Rights and the recommendations of the thematic rapporteurs. There had, however, been a number of positive developments in Indonesia with regard to human rights, such as the increased effectiveness of the Indonesian National Commission on Human Rights.

97. His Government had informed the Government of Papua New Guinea of its concern at the situation on Bougainville and its continuing interest in contributing to a peaceful settlement of the conflict there. It strongly condemned the recent spate of killings, deplored any attempts to exert political pressure through violence and urged all parties to exercise restraint. It welcomed the comment by the Prime Minister of Papua New Guinea that the option for a continuation of the peace process was still open and commended the expressed intention to establish a national human rights institution.

98. The Commission had a continuing role to play in monitoring the fragile security and political situation in Rwanda and contributing to the prevention of further human rights abuses there. His Government supported the efforts of the High Commissioner in that area and had decided to contribute a further 200,000 Australian dollars to that project, bringing its total contribution to 500,000 Australian dollars.

99. His delegation, which was concerned at the continuing political stalemate in Cyprus, supported the Secretary-General's efforts to find a lasting and peaceful solution to the issue, whereby the independence, sovereignty, territorial integrity and unity of the Republic of Cyprus would be respected and the rights of all Cypriots protected.

100. Australia would continue to work constructively with the international community to improve standards of human rights observance on the basis of the philosophy that human rights were universal and that everyone had a responsibility to promote the dignity of the individual in every circumstance.

101. Mr. MUSA HITAM (Malaysia) said that the members of the Commission were allowing their respective political agendas, in particular the blatant double standards of certain dominant powers, to be the most crucial consideration. Selectivity, based on subjective political consideration and not on human rights, had been allowed to dominate the Commission's decisions.

102. The Commission, as the body entrusted by the international community to deal with human rights issues, should continue to look out for and stigmatize abuses of human rights whenever and wherever they occurred. However, the Commission should not perform its duties and fulfil its obligations at the political whims and fancies of certain powerful States that practically dictated the direction and focus of its attention.

103. In the former Yugoslavia, the international community had stood idly by while over 200,000 innocent lives had been lost and 2.5 million people made homeless, before deciding to act. Positive results had, indeed, been achieved since and he commended those countries that had contributed to the signing of the Dayton Agreement. However, peace in that territory remained fragile, since compliance with both the civilian and military aspects of the Agreement were still tenuous. Vigorous steps should be taken to ensure the immediate implementation of the Agreement and to take punitive and preventive measures. In that regard, war criminals must be brought to justice. The political and economic reconstruction of Bosnia and Herzegovina must be given top priority.

104. Hope and faith in peace and respect for human rights throughout the comity of nations could be ensured only if everyone's behaviour was based on justice and the rule of law without any selectivity. The leaders of repressive regimes should be made to realize that the world would never tolerate blatant abuses of human rights no matter where they occurred.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF LIECHTENSTEIN

105. Ms. WILLI (Liechtenstein) said that her Government, which considered human rights to be one of the priorities of its foreign policy activities, greatly appreciated the work of the Commission, particularly the establishment of the mandate of a special rapporteur on violence against women.

106. Unfortunately, some of the momentum gained through the World Conference on Human Rights and its follow-up had been lost. Even though the Vienna Declaration and Programme of Action clearly stipulated that United Nations human rights activities should be provided with increased resources, the work of the treaty bodies, the thematic procedures and the

Centre for Human Rights continued to suffer from a lack of funds. The problem must certainly be seen in the broader context of the system-wide budget crisis, but the important work done by the Centre should be given priority in budget discussions.

107. The budget problems excuse was not likely to be understood by the public, since the commitment of the United Nations to the promotion and protection of human rights had given rise to high expectations throughout the world, which her Government would support and help to fulfil. In that connection, it endorsed the initiative taken by the European Union to solve the budget crisis.

108. At the same time the relevant intergovernmental bodies, primarily the Commission, were inundated with a vast range of topics and resolutions. Her Government therefore hoped that the efforts to rationalize the work of the Commission would result in measures to enable it to do its work more effectively.

109. Over the past few years prevention had been playing an increasingly important role. When based on genuine and constructive dialogue it was an effective way of promoting and protecting human rights. Unfortunately, however, it had not been possible to implement certain useful proposals to prevent human rights violations owing to a lack of resources, even though preventive measures were inexpensive as compared with other kinds of action.

110. A positive development was the effort to place more emphasis on the interdependent and mutually reinforcing nature of democracy, development and respect for human rights and fundamental freedoms. The latter were relevant to many problems on the United Nations agenda, including refugees, international peace and security, and social and economic development.

111. Many, perhaps most, of the conflicts with which the United Nations had currently to deal were not between States but within States, and the available tools of international conflict-resolution were no longer sufficient. New approaches to resolving issues such as the problem of internally displaced persons had therefore been developed.

112. At the level of international law, recent years had witnessed a renewed interest in the right to self-determination, which was seen as important in fields outside its traditional context of decolonization and to embrace the development of democratic structures within States and of minority and indigenous rights. It was increasingly acknowledged that self-determination was not a static but rather an evolving principle, which included the continuing right of peoples to decide how they should be governed. Thus a flexible and constructive application of the right of self-determination of communities within States was needed.

113. In that connection, her delegation had introduced some ideas to the General Assembly at its forty-sixth session, seeking to provide a means whereby the reasonable aspirations of distinctive communities within States might find expression in the form of variable and progressive patterns of self-administration. When a sub-item based on those ideas had been discussed by the General Assembly at its forty-eighth session, it had become clear that

many States were reluctant to engage in a dialogue because of widespread fears that concepts of "internal" self-determination could result in secessionist ambitions jeopardizing the territorial integrity of States. Those concerns were understandable, but one of the principal goals of her delegation's initiative was precisely to stem such ambitions where they already existed and to prevent them from emerging in other places.

114. Convinced that it was timely and indispensable to discuss those problems openly and in a constructive spirit, her Government had concluded that a less political framework would probably facilitate further development of its ideas. Thus a research programme on self-determination had been established at Princeton University, financed through a grant by the Liechtenstein Head of State.

115. Moreover, within the framework of her country's contributions to the commemoration of the fiftieth anniversary of the United Nations, in 1995 two conferences on different aspects of the right to self-determination had been held at Princeton University, to which high-ranking diplomats and eminent scholars had made written contributions. The papers presented to the conference, and a summary of the discussions would be published shortly.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF ARMENIA

116. Mr. OSKANIAN (Armenia) said that, after 75 years of authoritarian rule and despite the adverse effects of the conflict in Nagorny Karabakh, his Government had been striving to promote democracy and the rule of law, institute a market economy, and develop a free society in which the rights of people were respected. Those goals had been institutionalized in the new Constitution, adopted on 5 July 1995. On the same date, his country had held its first democratic parliamentary elections. Liberal democratic forces had gained an overwhelming majority in the National Assembly, marking the final defeat of the Communists in his country and guaranteeing a continuation of the progressive political and socio-economic policies pursued by his Government in recent years.

117. Early in 1996, the National Assembly of Armenia had been granted special guest status at the Parliamentary Assembly of the Council of Europe, thus confirming his country's commitment to democracy and endorsing the measures it had taken to meet European human rights standards. It was the first of the Caucasian republics to be granted such a status.

118. His country was party to the major human rights instruments and was firmly committed to implementing the provisions contained therein and meeting its reporting obligations, in the conviction that economic, social and cultural rights were just as important as civil and political rights. While not claiming to have an impeccable record, his Government was committed to creating a society in which human rights and individual freedoms were respected and safeguarded.

119. As it prepared for the commemoration of the Armenian Genocide of 1915, his country was very much aware of the fact that genocide or "ethnic cleansing", still represented a political option for States. Indeed, 150,000 Armenians in Nagorny Karabakh continued to live under the threat

of a similar fate. The Government of Azerbaijan had persistently attempted to suppress that group's legitimate claims by military force. The security of Nagorny Karabakh, the cessation of all military activities and the determination of the legal status of Nagorny Karabakh were key issues in finding a peaceful solution to the conflict, to which his Government was firmly committed. To that end, the root causes of the conflict must be addressed.

STATEMENT BY THE MINISTER OF JUSTICE OF THE SUDAN

120. Mr. SHIDDO (Sudan) said that the Commission's debates should centre on bridging the gulf between the North and South and adopting a common approach to human rights in its wider dimension. If the various groups continued to address particular issues from mutually exclusive positions, the resolutions adopted would not enjoy the wider support essential for their implementation. Human rights would consequently take a secondary position, in a growing confrontation between North and South reminiscent of the cold-war period.

121. Progress to date towards the establishment of a comprehensive human rights regime was not impressive. The process should be thoroughly studied and its drawbacks addressed in order to achieve universal acceptance of those rights and thus rid the whole process of the scepticism and utilitarianism associated with it.

122. The repeated calls for dialogue to overcome the current confrontation paralysing the implementation of human rights measures would be vain if a number of conditions were not recognized. Dialogue did not mean the imposition of the will of the strong on the weak; the pursuit of human rights could not be based on selectivity and the realization of strategic and political objectives and the sources of information must be verified and drawn from as wide a spectrum as possible.

123. Moreover, the Commission should be strictly even-handed in dealing with the complaints brought to its attention, especially with regard to the quality of the reports submitted to it by its field officers and rapporteurs. Country responses must be treated with greater consideration, since one of the main reasons for non-cooperation by countries was their feeling that their complaints were totally ignored by the Commission.

124. Repeated calls by third world countries for the restructuring of the Centre for Human Rights had gone unheeded as a result of the lack of financial resources and the increasing dependence on voluntary contributions by developed countries. None the less, appreciation of cultural differences and the sharing, or otherwise, of a common historical experience, were crucial in understanding and evaluating human rights information.

125. It was necessary for the Commission and the Centre to play a more active role in conciliation and assisting the parties concerned to improve their record by setting up national institutions. Unfortunately, his Government's repeated requests for technical assistance and its invitations to some thematic rapporteurs to visit the country had largely gone unheeded. Such an attitude by international officials towards the Government of a Member State was unacceptable. Calls for "police action", sanctions and retributions could not but be detrimental to the cause of human rights.

126. The human rights debate was further complicated by the major participation of NGOs, which certainly contributed resources and services to various humanitarian activities, but often attended the Commission's sessions only to attack the reputations of certain countries for political or sectarian reasons and provided coverage for politicians.

127. The United Nations must, in accordance with its Charter, remain neutral if it was to retain the support and respect of its Member States. It was unfortunate, therefore, that the country reports presented by the officials of the Centre often concentrated on negative human rights aspects and made no reference to positive steps taken since a previous report, thus leading the Commission to draw the wrong conclusions. The Commission's main role was to concentrate on improving the human rights situation by focusing on reported violations, applying pressure on the parties concerned to take the necessary action, and offering any assistance which might be required.

128. Human rights officials must be held accountable for the manner in which they carried out their duties, which did not include actively confronting and attacking the Governments of the countries to which they were assigned. His own Government's difficulties with the Special Rapporteur assigned to his country stemmed from the fact that the latter's approach appeared to reflect a disrespect for Islam. Since the Special Rapporteur had recently confirmed his respect for Islam as a major world religion and regretted any misunderstandings that had arisen the Sudan was willing to cooperate with him.

129. The Special Rapporteur would find, on his next visit to the country, that a number of positive changes had occurred: there was currently a democratic constitutional system, based on a new Constitution, to be submitted to the people through a referendum, which guaranteed the human rights of individuals and the supremacy of the rule of law. In addition, there had been a breakthrough in the peace process, an accommodation having been reached with two of the warring factions.

The meeting rose at 1.05 p.m.